

# PROPOSAL FOR THE AMENDMENT OF PART 91 OF THE CIVIL AVIATION REGULATIONS, 2011

## PROPOSER

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## PROPOSER'S INTEREST

The proposer has been established in terms of the Civil Aviation Act, 2009 (Act No. 13 of 2009), to control and regulate civil aviation in South Africa and to oversee the functioning and development of the civil aviation industry, and, in particular, to control, regulate and promote civil aviation safety and security.

## GENERAL EXPLANATORY NOTE

Words in with a ~~strikethrough~~ indicate deletions from the existing regulations. Words underlined with a solid line indicate insertions in the existing regulations.

### 1. PROPOSAL FOR THE AMENDMENT OF REGULATION 91

1.1 It is hereby proposed to amend regulation Part 91 by the substitution of regulation 91.07.7 of the following regulation:

**91.07.7** (1) ~~[The]~~ An owner or operator of an aircraft shall select destination or alternate aerodromes in accordance with regulation 91.07.5 when planning a flight.

(2) ~~[The]~~ An owner or operator of an aircraft shall select a departure, destination, or alternate aerodrome only when the serviceability status of the aerodrome permits the safe operation of the type of aircraft concerned.

(3) A take-off alternate aerodrome shall be selected and specified in the operational and ATS filed flight plan, and, if applicable, in the preliminary flight plan, **[as prescribed by regulation 91.03.4]**, if the meteorological conditions at the aerodrome of departure are at or below the applicable aerodrome operating minima, or it would not be possible to return to the aerodrome of departure for other reasons.

(4) The take-off alternate aerodrome referred to in subregulation (3), shall be located within the following time from the aerodrome of departure—

- (a) twenty (20) minutes flying time from the departure aerodrome in the case of single engine **[aeroplanes]** aeroplane;
- (b) for **[aeroplanes]** an aeroplane with two engines, one hour flight time at the one-engine inoperative cruising speed, determined from the aircraft flight manual, referred to in regulation 91.03.2, calculated in International Standard Atmosphere **[(ISA)]** and still-air standard conditions, using the actual take-off mass;
- (c) for **[aeroplanes]** an aeroplane with three or more engines, two hours of flight time at an all-engine cruising speed, determined from the aircraft flight manual, calculated in ISA and still-air conditions, using the actual take-off mass;
- (d) for **[aeroplanes]** an aeroplane engaged in **[extended diversion time operations (EDTO)]** EDTO, where an alternate aerodrome meeting the distance criteria of subregulation (b) or (c) is not available, the first available alternate aerodrome within the distance of the operator's approved maximum diversion time, using the actual take-off mass; and
- (e) For an aerodrome to be selected as a take-off alternate, the available information shall indicate that, at the estimated time of use, the conditions will be at or above the operator's established aerodrome operating minima for that operation.

**[(f)]** (4)A En-route alternate aerodromes, required by **[sub-regulation]** subregulation (4) for extended diversion time operations by **[aeroplanes]** an aeroplane with two turbine engines, shall be selected and specified in the **[air traffic services (ATS)]** ATS filed flight plans, and, if applicable, in the preliminary flight plan.

Provided that if the AFM, referred to in regulation 91.03.2, does not contain a one-engine inoperative cruising speed, as referred to in subregulation (4) paragraphs **[(4)]** (b) and (c), the speed to be used for calculation shall be the speed which is achieved with the remaining engine or engines set at maximum continuous power.

(5) **[The]** An owner or operator of a helicopter shall select at least one destination alternate aerodrome for each IFR flight, unless the meteorological conditions prevailing are such that, for the period from one hour before until one hour after the expected time of arrival at the destination aerodrome, the approach from the minimum sector safe altitude and landing can be made in VMC.

(6) For a flight to be conducted in accordance with instrument flight rules, **[the]** an owner or operator of an aeroplane shall select at least one destination alternate aerodrome which shall be specified in the operational and filed ATS flight plans, and, if applicable, in the preliminary flight plan, unless—

- (a) the duration of the flight from the departure aerodrome, or from the point of in-flight re-planning, to the destination aerodrome is such that, taking into account all meteorological conditions and operational information relevant to the flight, at the estimated time of use,

a reasonable certainty exists that—

- (i) the approach and landing may be made under visual meteorological conditions; and
- (ii) separate runways are usable at the estimated time of use of the destination aerodrome with at least one runway having an operational instrument approach procedure;
- (b) the aerodrome is isolated. Operations into isolated aerodromes do not require the selection of a destination alternate aerodrome(s) and shall be planned in accordance with **[sub-regulation] regulation 91.07.12 (3) (d)** and—
  - (i) for each flight into an isolated aerodrome a point of no return shall be determined; and
  - (ii) a flight to be conducted to an isolated aerodrome shall not be continued past the point of no return unless a current assessment of meteorological conditions, traffic and other operational conditions indicate that a safe landing can be made at the estimated time of use.

*Note.—Separate runways are two or more runways at the same aerodrome configured such that if one runway is closed, operations to the other runway(s) can be conducted.*

(7) Except as provided in **[sub-regulations] subregulations (10) and (13)**, when planning a flight, **[the] an** owner or operator shall only select an aerodrome as a destination or alternate aerodrome if the appropriate weather reports or forecasts, or a combination thereof, are at or above the applicable planning minima for a period of one hour before to one hour after the estimated time of arrival of **[the] an** aircraft at **[the] an** aerodrome.

(8) **[The] An** owner or operator of a helicopter shall select at least one destination alternate aerodrome for each IFR flight unless—

- (a) available current meteorological information indicates that the following meteorological conditions will exist from two hours before to two hours after the estimated time of arrival, or from the actual time of departure to two hours after the estimated time of arrival, whichever is the shorter period—
  - (i) a cloud base of at least 400 ft above the minimum associated with the instrument approach procedure; and
  - (ii) visibility of at least 1.5 km more than the minimum associated with the procedure;or
- (b) the heliport of intended landing is isolated and no suitable alternate is available and—
  - (i) an instrument approach procedure is prescribed for the isolated heliport of intended landing; and
  - (ii) a **[point of no return (PNR)] PNR** is determined in the case of an offshore destination.

(9) Suitable offshore alternates for **[helicopters] a helicopter** may be specified subject to the following—

- (a) the offshore alternates shall be used only after passing a PNR. Prior to a PNR, onshore alternates shall be used;
- (b) mechanical reliability of critical control systems and critical components shall be considered and taken into account when determining the suitability of the alternate;
- (c) one-engine inoperative performance capability shall be attainable prior to arrival

- at the alternate;
- (d) to the extent possible, deck availability shall be guaranteed; and
- (e) weather information must be reliable and accurate.

(10) Two destination alternate aerodromes shall be selected and specified in the operational and ATS filed flight plans, and, if applicable, in the preliminary flight plan, when, for the destination aerodrome—

(a) meteorological conditions at the estimated time of use will be below the operator's established aerodrome operating minima for that operator; or

(b) meteorological information is not available.

(11) **[The]** An owner or operator of an aircraft shall specify the destination alternate aerodrome, if required, in the ATS flight plan referred to in regulation 91.03.3.

(12) **[The]** An owner or operator shall specify en-route alternate aerodromes for extended-range operations with twin-engine aeroplanes and shall specify such en-route alternate aerodromes in the ATS flight plan referred to in regulation 91.03.4.

(13) In addition to the provisions of **[sub-regulation]** subregulation (10), an owner or operator may conduct a flight in accordance with IFR to a destination for which there is no aviation weather report or forecast available: Provided the requirements specified in Document SA-CATS 91 are met.

(14) Notwithstanding the provisions in **[sub-regulation]** subregulations **[91.07.7]** (3), **[91.07.7]** (6), and **[91.07.7]** (8); the Director may, based on the results of a specific safety risk assessment conducted by the owner or operator which demonstrate how an equivalent level of safety will be maintained approve operational variations to alternate aerodrome selection criteria. The specific safety risk assessment shall include at least the—

- (a) capabilities of **[the pilot-in-command]** a PIC or operator;
- (b) overall capability of the aeroplane and its systems;
- (c) available aerodrome technologies, capabilities and infrastructure;
- (d) quality and reliability of meteorological information;
- (e) identified hazards and safety risks associated with each alternate aerodrome variation; and
- (f) specific mitigation measures”.

## MOTIVATION

This amendment is recommended to propose definitions in the SACARs relating to ICAO Annex 6, Part I.

The amendment is contained in a State Letter, SL 2020.34.E amend 49- Adoption of Amendment 49 to Annex 6, Part I, dated 18 April 2024, received by the SACAA.